

REBUTTAL

#351

7-29-1

PETITIONERS RESPONSE TO  
MOTION FOR SUMMARY JUDGEMENT

I SCOTT HESS AM GOING TO DO MY BEST TO ANSWER THIS FRAUDULENT DOCUMENT POINT BY POINT, PAGE BY PAGE, WITHOUT THE ASSISTANCE OR COUNSEL OF AN ATTORNEY, WHICH I FEEL IS A MISCARRAIGE OF JUSTICE. I HAVE HAD NO (EFFECTIVE) ATTORNEY SINCE THE DAY OF MY ARREST 4/19/12.

PAGE 1: IN THE FIRST PLACE, MY NAME IS NOT, WAS NOT EVER "GEOFFRY". I DONT CHALLENGE MY CONVICTION ON TEN GROUNDS. MY ORIGINAL APPEAL TO THE STATE CONTAINED ONE GROUND WITH A SUPPLEMENTAL CITATION AND A SECOND SUPPLEMENT WITH THE ISSUES CONCERNING MY CONSTITUTIONAL RIGHTS AS A M.H.M.R. CLIENT. I THEN ASKED THE FEDERAL COURT TO CONSIDER 9 MORE GROUNDS IN THE INTEREST OF NOT HAVING A MISCARRIAGE OF JUSTICE. ~~PAGE~~

PAGE 2: GROUNDS 2-5 CONTAINED THE SAME INFORMATION AS MY SECOND

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②

SUPPLEMENT (OR GROUND) TO THE STATE. I MUST EXPLAIN THAT DURING THE SUMMER OF 2013, WHEN MAKING MY ORIGINAL APPLICATION TO THE STATE, I WAS GOING THRU A TIME WHEN I WAS VICTIMIZED BY MEDICAL MAL-PRACTICE - MY PSYCHE MEDS WERE CHANGED FOR THE WORSE AND I EXPERIENCED GREAT MENTAL TRAUMA UNTIL FINALLY I HAD TO BE HOSPITALIZED IN DECEMBER (2013).

I WAS RELEASED FROM THE HOSPITAL IN FEBUARY OF 2014 AND AM STILL WORKING WITH MY PRESENT PSYCHIATRIST TRYING TO GET THE MEDICATION "RIGHT". I'M EXPERIENCING SYMPTOMS OF PHYSICAL ILLNESS FROM MY PRESENT TYPES OF MEDICINES AND I FEEL THAT IT IS ALSO A MISCARRIAGE OF JUSTICE THAT I'M LEFT TO DEFEND MYSELF AGAINST THE STATE WITHOUT COUNSEL.

I SAY THAT THE TRIAL COURT REACHED A DECISION AFTER THEY RECEIVED MY 2 SUPPLEMENTS NOT BEFORE!

I SAY THERE WAS COLLUSION BETWEEN THE TRIAL COURT JUDGE MIGDALIA LOPEZ AND MAGISTRATE

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(3)

RONALD MORGAN. MORGAN HAD BEEN SIGNING ORDERS ON THE CASE AS THE PRESIDING JUDGE. (WHICH HE IS NOT) JUDGE HANEN IS THE PRESIDING JUDGE. WHEN I CONFRONTED HIM ABOUT THIS HE RESPONDED WITH A LETTER DATED MAY 2 (2014) RECLUSING HIMSELF FROM THE CASE DUE TO A "CONFLICT OF INTEREST."

I AM ENTITLED TO MY COURT RECORDS! AS PER BOUNDS V. SMITH 430 U.S. AT 822-24. THE SUPREME COURT (U.S.) MADE CLEAR THAT PRISONERS HAVE ABSOLUTE RIGHT TO "ADEQUATE, EFFECTIVE AND MEANINGFUL ACCESS TO COURTS TO CHALLENGE THE LEGALITY OF THEIR CUSTODY." THE SUPREME COURT WENT ON TO HOLD AND EXPRESS IN "BOUNDS" THAT "WE REALIZE THE RIGHT TO ACCESS TO THE COURTS WOULD BE MEANINGLESS IF INDIGENT PRISONERS WERE NOT AFFORDED FREE COPIES OF THE TRIAL COURT RECORDS THEREFORE WE HOLD THAT INDIGENT PRISONERS MUST BE PROVIDED WITH FREE TRANSCRIPTS". AT 822-24.

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AT  
THERE NEVER WAS ANY CORPUS  
CHRISTIE PETITION! ~~3. GENE~~

PAGE 3: IS COMPLETELY FABRICATED.  
(AND INTO PAGE 4) THE GROUNDS I  
SUBMITTED TO THE U.S. DISTRICT  
COURT AND THE GROUNDS I ASKED  
THEM TO CONSIDER FURTHER, TO  
AVOID A MISCARRIAGE OF JUSTICE  
(OF COURSE IT IS TOO LATE FOR THAT)  
ARE AS FOLLOWS: 1) VIOLATION  
OF DUE PROCESS OF LAW - INEFFECTIVE  
ASSISTANCE OF COUNSEL, INVOLUNTARY  
PLEA. 2) CRIMINAL HISTORY USED  
AGAINST ME (AND EVEN ARRESTS)  
DURING THE "PLEA BARGAIN" PHASE  
OF MY CASE, AND USED TO "COERCE" ME  
INTO MAKING A GUILTY PLEA.  
3) INEFFECTIVE ASSISTANCE OF  
COUNSEL. NO M.S.O. ORDERED. (MENTAL  
STATE OF OFFENDER EXAMS) AT MY  
OWN REQUEST - BEFORE THE  
APPOINTMENT OF MR. SOROLA AS MY  
DEFENSE ATTORNEY... I HAD A  
RIDICULOUSLY BRIEF EXAM ~~BY~~ BY  
A STATE "PSYCHOLOGIST" - NOT A  
PSYCHIATRIST - MY PROBLEM IS  
MEDICAL - NOT PSYCHOLOGICAL.

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- (5) 4) MY MENTAL CONDITION. THRU NO FAULT OF MY OWN, I WAS DENIED CARE AT MY LOCAL M.H.M.R. CLINIC IN 2011 AND IN FEB. OF 2012 I HAD A "SET BACK" (BREAKDOWN) WHICH I AM STILL RECOVERING FROM.
- 5) THE INDIFERENCE OF THE COURT LEAVING ME LINGERING IN THE COUNTY JAIL FOR "OVER 90 DAYS" WITHOUT APPOINTING ME PROPER AND EFFECTIVE COUNSEL. (AND STILL)
- 6) FALSE AND INVALID CONFESSION. I NEVER CONFESSED TO ANY CRIME EVER! NONE OF THE ESSENTIAL ~~(REASONABLE PROOF)~~ ELEMENTS FOR A CRIME TO HAVE BEEN COMMITTED EXIST. MY ATTORNEY, SURLA, TOLD ME THAT THE D.A. SOMEHOW EXTRACTED A CONFESSION WITH MY (TAPE RECORDED) BRIEF CONVERSATION WITH THE STATES PSYCHOLOGIST. AND I WAS TRICKED INTO BELIEVING THAT I WAS IN FACT GUILTY. 7) BIAS BY JUDGE, WHO GAVE ME AN EXCESSIVE SENTANCE. THEY TOLD ME THEY HAD MY CONFESSION... BY LAW LENIENCY IS SUPPOSED TO BE GIVEN. AND THE REASON I PLEAD GUILTY (AND NOT NO GUILTY) WAS TO RECEIVE A LESSER SENTENCE

8) BIAS + PREJUDICE BY D.A., LYING!  
MR. GILMAN, THE D.A. AT ~~THE~~ WHAT  
SHOULD HAVE BEEN MY TRIAL. AND  
ALSO LYING BY THE ASSISTANT D.A. THAT  
I FEEL CAUSED MY BOND TO BE EXCESSIVE  
BY STATING I HAVE A ROBBERY  
CONVICTION! 9) BIAS + PREJUDICE BY  
COURT APPOINTED ATTORNEYS. MR. GARAZA  
WAS MY ORIGINAL ATTORNEY APPOINTED.  
HE FAILED TO APPEAR ALTOGETHER. MR.  
SOROLA WAS APPOINTED FINALLY. BUT IT  
DOESN'T REFLECT THAT ON THE COURT  
RECORD ON EXHIBIT B' OF THE RESPONDANTS  
OTION TO STAY DATED 12-12-13. WHY?  
BECAUSE MR. SOROLA AND ANOTHER UNAMED  
ATTORNEY ARE BOTH REGULARS IN JUDGE  
OPEZ COURTROOM. THEY JUGGLE "STACKS"  
OF FILES ~~AT~~ AND DONT FIGHT CASES  
FROM WHAT I SAW SEVERAL TIMES IN  
COURT... AND THE M.H.M.R. PATIENTS  
ARE NUMEROUS — AND TREATED BRUTALLY  
NO COMPASSION... ACCORDING TO THE  
RECORD I HAVE — I WAS TRANSFERRED  
FROM JUDGE LEAL'S COURT. WHY?  
IF WHAT I'M STATING IS TRUE — THEN  
THESE ARE, BY DEFINITION, HATE  
CRIMES! 9) BIAS + PREJUDICE BY  
POLICE — I ONLY RECENTLY UNDERSTOOD  
THAT I COMMITTED NO CRIME — WHY WAS

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(7) I EVEN ARRESTED? I HAVE BEEN VICTIM TO POLICE HARASMENT IN BROWNSVILLE FOR YEARS. FOR ONE THING I'M WHITE IN AN ALL-HISPANIC TOWN... AND THE FACT THAT MY CONTENTIOUS EX WIFE HAS A HABIT OF CALLING THE POLICE ON ME FOR NO REASON... AND I HAVE BEEN HOMELESS A FEW TIMES IN BETWEEN TRUCK DRIVING JOBS... AND, OH YES, I'M M.H.M.R.!!

(8) DEFICIENT INDICTMENT. THE DEFICIENCIES TO MY INDICTMENT ARE LAID OUT, I'M TOLD, IN BOUEIRS LAW DICTIONARY AND TUCKER'S COMMENTARIES VOL. 5. AND EX PARTE VIRGINIA. (A SUPREME COURT RULING) NONE OF THESE RESOURCES ARE AVAILABLE TO ME. (2) NO COMPETENCY HEARING - INEFFECTIVE ASSISTANCE OF COUNSEL. ~~AND~~ AND TIED TO THAT IDEA IS GROUND (3) INEFFECTIVE ASSISTANCE OF COUNSEL - CONSTITUTIONAL RIGHTS VIOLATIONS AS A DISABLED PERSON. (MENTAL PATIENT) I'VE ALWAYS BEEN CONSIDERED A BORDERLINE CASE. TECHNICALLY I TRY TO WORK WITH MY DISABILITY THE POSITION

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FOR TRYING MENTAL PATIENTS (WHO ARE OBVIOUSLY HAVING DIFFICULTY) IS PLAINLY LAID OUT IN AKER v. OKLAHOMA, 470 U.S. 68, 83 (1985) THERE IS SUPPOSED TO BE AN EXAM GIVEN A.S.A.P. BY THE STATE, ~~OR~~ BY A LICENSED PSYCHIATRIST AND ANOTHER BY A COURT APPOINTED PRIVATE PSYCHIATRIST (FOR INDIGENT). THESE EXAMS A VERY THOROUGH - NOTHING LIKE I HAD. THEN THESE Q ARGUE IN A COMPETENCY HEARING REGARDING THE DEFENDANT . . . AND AS TO THE MENTAL STATE OF THE OFFENDER AT ARREST.

(4) CRUEL AND UNUSUAL PUNISHMENT AFFECTED THIS APPEAL. AT NO TIME ARE PRISONERS IN THE COUNTY JAIL OR THE STATE FACILITIES I WAS IN ALLOWED 8 HOURS OF UNINTERRUPTED SLEEP. I HAVE A SLEEP DISORDER AS THE ROOT CAUSE OF MY PSYCHIATRIC PROBLEMS. SLEEP DEPRIVATION AND WITH MY BAD BACK I'M GIVEN NO GOOD MATTRESS. I'M IN TERRIBLE SHAPE. ND I WAS DENIED MY PSYCHE MEDS THAT I'VE TAKEN FOR OVER 30 YEARS. ND STILL! I WAS DRIVEN IN AND OUT A PRISON PSYCHE FACILITY (HOSPITAL). HIS IS MORE THAN EMBARRASSING, FOR THE STATE AS WELL! MISCARRIAGE OF JUSTICE!!

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(9) I MUST ALSO POINT OUT THAT WHAT THE ATTORNEY GENERAL'S ASSISTANT LISTED AS MY GROUND 'S' IS RUTHLESSLY MISLEADING. I DIDN'T GO WITHOUT SEEING AN ATTORNEY FOR 10 DAYS - IT WAS BETWEEN 3 AND 4 MONTHS! ANOTHER MISCARRIAGE OF JUSTICE. THESE ~~PAID~~ GROUNDS ARE SIMPLY NOT EXHAUSTED YET.

MY PLEA WAS NOT KNOWING AND VOLUNTARY. I WAS GIVEN ERRONEOUS ADVICE - I HAD NO CHANCE TO CONSULT WITH THE ATTORNEY SOROCAS; HE DID NOT INQUIRE AS TO ANY DEFENSES, GAVE ME NO ~~GOOD~~ (GOOD) ADVICE AND DID NOT ATTEMPT TO DETERMINE IF I WAS EVEN GUILTY. SEE 'EX PARTE' HARRIS 596 S.W. 2d 893 (TEX CRIM. APP. 1980); 'EX PARTE' BURNS, 601 S.W. 2d 370 (TEX CRIM APP. 1980); 'EX PARTE' MARROW CITING HILL V. LOCKHART - STRICKLAND V. WASHINGTON.

PAGE 5. HOW COULD JUDGE MIGDALA LOPEZ ORDER A PSYCHIATRIC EVALUATION ON SEPT. 4<sup>TH</sup> 2012 WHEN THE PSYCHOLOGICAL (SUPPOSED) EXAM WAS ABOUT A MONTH EARLIER? NO REASON.

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(10)

TAPE RECORDED OUR LITTLE SESSION AND THE DATE WAS MENTIONED. THIS WAS ONE OF ONLY A FEW QUESTIONS ASKED OF ME - TWO, OF WHICH, I ANSWERED INCORRECTLY I DO BELIEVE.

THE LAW DOES NOT REQUIRE THAT THE FEDERAL WRIT APPLICATION CANNOT BE FILED WHILE WAITING FOR THE STATES DETERMINATION. ESPECIALLY WHEN THE STATE LIES AND SAYS THEY DON'T HAVE THE (MOT) APPLICATION. SEE THE LETTER TO ME DATED 9/20/13 FROM YVONNE CALZADA, DEPUTY DISTRICT CLERK FOR AURORA DE LA GARZA - CAMERON COUNTY DISTRICT CLERK. THE SEE THE RESPONDANTS MOTION TO STAY EXHIBIT 'A' WHERE SUPPOSEDLY IT WAS NEVER RECEIVED. THE FEDERAL GOVERNMENT WAS MY ONLY KNOWN OPTION TO ME AT THAT TIME!

PAGE 6:

AGAIN MY RECORDS ARE MY BUSINESS. MY SUPREME COURT RULING IS DATED, 2005! SEE PAGE '3' OF THIS AFFIDAVIT. AND I BELIEVE A MISCHARRAGE OF JUSTICE TRUMPS ANY DEFAULT!

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(11)

I ALSO FEEL THAT IN MY INITIAL STATE WRIT APPLICATION, I HIT THE MARK WITH MY FIRST GROUND. THE WAY IT WAS WORDED WAS ~~"A VIOLATION OF DUE PROCESS OF LAW"~~ THIS SHOULD COVER ATOP ALL MY ~~ISSUES~~ ISSUES RAISED IN GROUNDS 2-5, OR BASICALLY ONLY ONE FURTHER ISSUE COVERING GROUNDS 12 + 13 AS WELL. THE FACT THAT I WAS A MENTAL PATIENT AND HOW MY RIGHTS WERE GROSSLY VIOLATED IN THAT RESPECT. ~~THIS ISN'T~~ "INEFFECTIVE ASSISTANCE OF COUNSEL" THIS WOULD COVER NOT ONLY THE "IN VOLUNTARY PLEA" BUT GROUNDS 3, 6, 9, 12, AND I'M WANTING TO ADD YET ANOTHER MISCAIRAGE OF JUSTICE. GROUND 15! HOW THE ATTORNEY SOROLA PROMISED TO HANDLE MY APPEAL AND DIDN'T SEE MY ORIGINAL PETITIONS (1607 + 2254) THIS WOULD AGAIN BE COVERED IN GROUND ONE. SEE... CHAPMAN V. U.S. 469 F.2d 634 (5TH CIR. 1974) (SEE ALSO - LUMKIN V. SMITH) ~~(1607)~~

PLEASE ALLOW ME TO CHALLENGE THE CORRECTNESS OF THE STATES FINDINGS OF FACT. SEE SPICE GOOD V. ALABAMA 577 F.2d 1322 (5TH CIR. 1978) - HABIAS

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(1x) RELIEF GRANTED IF STATE COURTS FACTUAL CONCLUSIONS CONTAIN "PLAIN ERROR" AND NOT "HARLESS ERRORS, AS IN HARRINGTON V. CALIFORNIA. THIS ALONE ENTITLES ME TO A REVERSAL - AN AQUITTE IS IN ORDER!

THE MOTION FOR SUMMARY JUDGEMENT ITSELF STARTING ON PAGE 6 IS TOO COMPLICATED AND I NEED AN ATTORNEY TO ANSWER THIS. AGAIN I HAVEN'T HAD ONE YET! (TECHNICALLY) NOT SINCE MY ARREST! AND MIGHT I ADD THAT I WAS NEVER GIVEN ANY CHANCE TO MAKE ANY KIND OF A STATEMENT AT ALL BEFORE THE INDICTMENT BEFORE THE UNLAWFUL CONVICTION! THIS IS ALSO A "MISCAIRRAGE OF JUSTICE"!

I DO NOTICE IN THE MIDDLE OF PAGE 7 IT TALKS ABOUT THE CORRECTNESS OF THE STATES AFFIDAVIT UNTIL I REBUTE IT... I ASSUME THAT THIS IS IN REFERENCE TO A SIGNED DOCUMENT. THIS MOTION AS OF YET BEARS NO SIGNATURE BY ANY BODY AND IS NOT A SWORN AFFIDAVIT. MY REBUTTLE IS UNDERSTANDABLY UNTIMELY - IN MY SITUATION. FOR THIS GARBAGE TO BE ACCEPTED AS FACT WOULD

BE YET, ANOTHER MISCAIRRA GE OF JUSTICE!

PAGE 8: → PAGE 9: AGAIN I STATE THAT THE TRIAL COURT RECEIVED MY 2ND SUPPLEMENT 2-3 DAYS AFTER IT WAS SENT ON SEPT. 12 - ACCORDING TO THE MAIL ROOM RECORD AT GARCIA WEST TRANSFER FACILITY. THE WRIT AND IT'S SUPPLEMENTS ARE FILED THE DAY THEY WERE PLACED IN THE MAIL AT MY UNIT. AUG. 26 - WRIT APPLICATION (L-07. SEPT 5 - ~~2~~ SUPPLEMENT AND SEPT 9 - THIRD PIECE OF MAIL - SUPPLEMENT #2. THE TRIAL COURT ACKNOWLEDGED THE FIRST SUPPLEMENT - WHY NOT THE 2ND? ALLOW ME TO EXPLAIN... ACCORDING TO THIS MOTION, IT READS THAT "MIGDALIA" DENIED MY RELIEF 11 DAYS AFTER SEPT. 6<sup>TH</sup>... SEPT. 17<sup>TH</sup>. THIS MATCHES THE NOTARY STAMP BY "ROSA OCHOA". SO WHY IS THE JUDGE'S SIGNATURE BEARING THE DATE SEPT 13<sup>TH</sup>? IT IS BECAUSE MY 2ND (TIMELY) SUPPLEMENT WAS RECEIVED PROBABLY THE 14<sup>TH</sup> OR 15<sup>TH</sup> OF SEPT. (2013). AND THE STATE IS VERY DECEPTIVE WHEN THEY SAY THAT I SAID THE 2ND SUPPLEMENT WAS RECEIVED AFTER THE COURT DECIDED ON IT., AND NOT BEFORE!!

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... GROUNDS 2-5, ARE NOT  
EXHAUSTED PAGE 10. I SENT  
JUDGE HAPEN "MY STORY". - 18 PAGES  
OF TRUTH - IN CHRONOLOGICAL ORDER  
FROM BEING "KICKED OUT" OF MY  
M.H.M.R. CLINIC TO RUNNING OUT OF  
MEDICINE TO MY SET BACK IN FEB. OF  
2012... TO THE INCIDENT AND ARREST  
AND THRU THE COURT PROCEEDINGS.  
THIS AFFIDAVIT CLEARLY DEMONSTRATES  
MY INNOCENCE AND NOT GUILT!

AND ALSO I HAVE SHOWN JUST  
CAUSE TO FILE A SUBSEQUENT 11.07  
APPLICATION IN THIS MEMORANDUM  
AND IN MY LETTERS. I'M ENCLOSED  
MY WHOLE FILE. THIS SHOULD KEEP  
YOU CLERKS BUSY FOR A WHILE. (SORRY)

MY SITUATION IS DESCRIBED FROM  
THE BOTTOM OF PAGE 10 INTO PAGE 11.

PAGE 12; I HAVE BEEN CLAIMING  
MY ACTUAL INNOCENCE ALL ALONG IS  
MY STRUGGLE. TO SAY THAT I HAVE  
NOT IS A LIE. CHECK THE RECORDS.

PAGE 13; WOULD YOU NOT SAY THAT  
STATE IS BOTH INCORRECT AND  
OBJECTIVELY UNREASONABLE? YES!  
PAGE 13 INTO PAGE 14 IS MY  
SITUATION EXACTLY... DUE DILIGENCE?  
OF COURSE! PAGE 15: MY PLEA...

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(15) WAS INVOLUNTARY. SEE EX PARTE KELLY: 676 S.W. 2d 132 (TX CRIM. APP 1984) PAGE 17: . . . THE QUESTION OF GUILT OR INNOCENCE SIMPLY CANNOT BE FULFILLED BY A POLICE REPORT ALONE - SEE ART. 11.42 "PRESUMED INNOCENCE"

I WAS IN NO CONDITION TO MAKE ANY SORT OF PLEA DURING THAT TIME. CHECK MY PSYCHE RECORDS!

PAGE 18: HERE I'M ACCUSED OF BEING A GAMBLER? ?? I DON'T GAMBLE. PAGE 19: M.S.O. - THE STATE IS VERY WELL AWARE OF THE TERM FOR A MENTAL STATE OF OFFENDER EXAM BY A PSYCHIATRIST. DONT BE FOOLED. IT WAS THIS LANGUAGE THAT I USED IN MY 2ND SUPPLEMENT TO THE TRIAL COURT THAT HAD THEM ALL "WORRIED" ENOUGH TO LIE AND "FUDGE" DOCUMENTS.

AND CLAIM MY 11.07 APPLICATION WAS NEVER RECEIVED. AND LADY JUDGE WILL NOT BE DEFIED! HER INFLUENCE REACHES TO CORPUS CHRISTIE - AND THE U.S.D.C. JUST DOWN THE STREET FROM THE TRIAL COURT... SEE LETTER FROM MAGISTRATE MORGAN DATED 5-22-14

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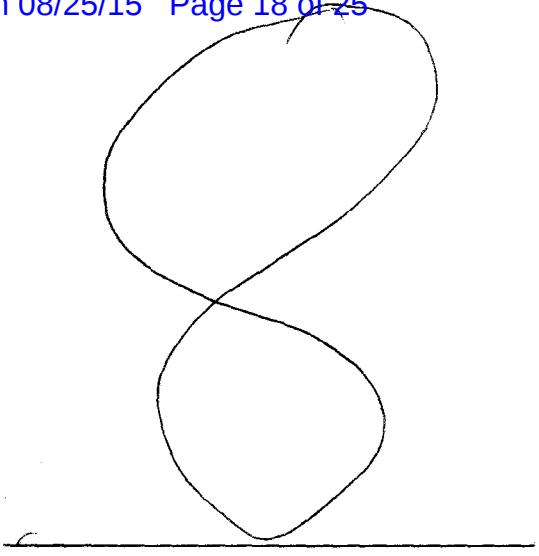
PAGE 21: I HAVE (INDEED) SHOWN SOROCAS INEFFECTIVENESS AS COUNSEL.

AN ARREST HISTORY IS NOT A CRIMINAL HISTORY. I STRESSED VERY CLEARLY THAT THIS WAS USED IN THE PLEA BARGAIN PHASE TO "TRICK" ME INTO MAKING A GUILTY PLEA THIS AND THE ALLEGED CONFESSION WHICH WAS NO CONFESSION AT ALL. SEE MIRANDA V. ARIZONA. ALSO SEE U.S. V. ALDRICH, 169 F. 3d 526 (1999) — "EVIDENCE OF PRIOR CRIMES IS PREJUDICIAL — MAY NOT BE USED. THIS IS STRUCTURAL ERROR REQUIRING AUTOMATIC REVERSAL."

IT STATES CLEARLY THAT THE STATE HAS NO RECORD OF PSYCHIATRIC FINDINGS — HA! I WONDER WHY!!

PAGE 22: THE DIRECTOR (T.D.C.J.) IS NOT, DEFINATELY NOT ENTITLED TO A SUMMARY JUDGEMENT AS A MATTER OF LAW. IN FACT, I RESTATE, THAT AN ACQUITTAL IS IN ORDER. THE STATE CANNOT TRY ME AGAIN — I MUST BE SET FREE.

I SWEAR THAT THE FORGOING IS TRUE AND CORRECT AS AN INMATE BEING HELD AT MICHAEL UNIT IN ANDERSON COUNTY *last written* 7-30-14



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6-24-14

TO: MAGISTRATE JUDGE RONALD MORGAN  
U.S. DISTRICT COURT-BROWNSVILLE, TX.  
FROM: SCOTT HESS, INMATE # 1841004  
~~GUARDIAN WEST UNIT~~ - BEEVILLE, TX,  
RE: QUESTION OF WHO IS THE  
PRESIDING JUDGE IN MY  
CASE # 1:13-190 AND CASE # 1:14-15

YOUR HONOR,

ACCORDING TO THE NOTICE OF CASE FILING  
DATED 10/11/13, ~~THE~~ MY PRESIDING  
JUDGE IS HON. JUDGE HANEN, AND  
YOU ARE LISTED AS THE MAGISTRATE.

~~THE~~ AND ON 10/16 YOU SIGNED AN  
ORDER AS THE MAGISTRATE. UNDER YOUR  
SIGNATURE IT STATES - "MAGISTRATE".

YET ON 12/12/13 YOU SIGNED AN  
ORDER AS THE PRESIDING JUDGE.

IT SAYS UNDER YOUR NAME, YOUR  
SIGNATURE, "PRESIDING JUDGE".

~~FOR COURT USE ONLY~~ (SH)  
LIKEWISE ON 2/5/14 AND 3/6/14...  
2 MORE ORDERS.

OR... IS JUDGE TIGLE NOW MY  
PRESIDING JUDGE AS PER THE CONSOLIDATION  
DATED 12/19/13 IN A 2ND CASE FILING.

FOR 1:14-15 AS WELL? SEE PAGE →

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JUDGE TABLE THEN SIGNED THESE CONSOLIDATED CASES INTO LAW IN AN ORDER DATED 3/21/14. HERE IT INDICATES UNDER HER SIGNATURE THAT SHE IS "SENIOR" PRESIDING JUDGE, YET IN HER ORDER SHE STATES THAT THE "LEAD CASE" IS # 1:13-190. THIS IS AMBIGUOUS. DOES THIS MEAN THAT JUDGE HANEN IS NOW THE PRESIDING JUDGE IN MY 2 CASES? OR IS THE ONE TO JUDGE MY CASE(S) GOING TO BE JUDGE TABLE? OR WERE YOU PROMOTED TO PRESIDING JUDGE AND APPOINTED TO MY FIRST CASE BETWEEN 10/11/13 AND 10/12/13? I WAS NEVER NOTIFIED OF THIS.

I NEVER SIGNED ~~THE~~ FOR PERMISSION TO PROCEED WITH A MAGISTRATE!

I SCOTT W. HESS-TDCJ #1841004, BEING PRESENTLY ENCARCERATED IN GARZA WEST UNIT, IN BEE COUNTY, TEXAS, DECLARE THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON

~~THE~~ ~~24<sup>TH</sup>~~ DAY OF APRIL, 2014.  
Scott W. Hess

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TO: HON. JUDGE HILDA TAGE

FROM: SCOTT HESS - T.D.C.J. # 1841004

RE: ATTORNEY GENERAL'S BRIEF I

RECEIVED LAST WEEK, WITH MOTION

FOR SUMMARY JUDGEMENT (courtesy copy)

YOUR HONOR,

LAST WEEK I RECEIVED THIS OVERWHELMING DOCUMENT - IT HAS TAKEN ME THIS LONG TO READ IT.

THE DOCUMENT HAS MUCH FALSE INFORMATION AS A THOROUGH INVESTIGATION OF EXISTING RECORDS WILL PROVE. OVER ALL THIS IS A "FALSIFIED DOCUMENT". FOR YOU TO SIGN AND ATTEST TO THIS MISLEADING AND PREJUDICIAL DOCUMENT WOULD BE MORE THAN A GREAT INJUSTICE - IT WOULD BE A CRIME.

I WISH TO REFUTE THIS DOCUMENT - POINT BY POINT, PAGE BY PAGE, TO SHOW NOT ONLY THE INACCURACY OF THE DOCUMENT AS A WHOLE... BUT TO DEMONSTRATE THE LOW MORAL CHARACTER AND BIAS OF THE STATES ATTORNEY GENERAL'S OFFICE, THE DISTRICT ATTORNEY'S OFFICE AND THE 197<sup>TH</sup> DISTRICT COURT. THIS IS NOT THE ONLY FALSIFIED DOCUMENT I'VE RECEIVED FROM THE STATE.

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ALSO, YOUR HONOR, I SENT A MOTION FOR  
A BENCH WARRANT AND REQUEST FOR  
AN APPOINTED ATTORNEY (AS I AM  
AN INDIGENT) ON MARCH 3 RD, SO I  
CAN STATE MY CASE... DID YOU HAVE A  
CHANCE TO SEE MY LETTER?

I, Scott W. HESS - T.D.C.J. #184104, BEING  
PRESENTLY ENCARCERATED IN GARZA WEST,  
IN BEE COUNTY, TEXAS, DECLARE UNDER  
PENALTY OF FORGERY THAT THE FOREGOING  
IS TRUE AND CORRECT. EXECUTED ON THE  
18<sup>TH</sup> DAY OF APRIL, 2014

Scott W. Hess

(X) SEE & ENCLOSED FOR THE LETTER TO  
JUDGE TABLE AND JUDGE MORGAN.

TO: HON. JUDGE ANDREW HANEN 4-24-14  
FROM: SCOTT W. HESS #1841004, GFB 2A UNIT (WEST)  
BEEVILLE, TX.

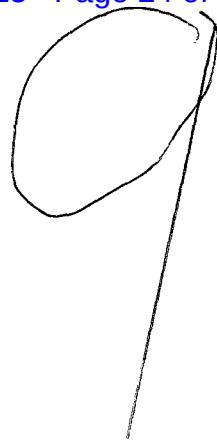
RE: QUESTION OF WHO IS MY PRESIDING  
JUDGE IN CASE(S) 1:13-190, 1-14-15

YOUR HONOR,

ARE YOU STILL THE PRESIDING JUDGE  
IN MY CASE 1:13-190? IT APPEARS THAT  
JUDGE TABLE COULD BE THE ONE TO  
DECIDE MY CASE(S)... ACCORDING TO  
A 2ND FILING, DATED 12/19/13... AND  
AS PER HER ORDER SIGNED BY HER  
ON 3/21/14.

OR IS MAGISTRATE JUDGE MORGAN  
NOW A "PRESIDING JUDGE"-AND IN  
CHARGE OF MY CASE(S)? WAS HE  
PROMOTED? DID YOU RETIRE?

JUDGE, BE VERY CAREFUL IF + WHEN  
YOU SIGN A SUMMARY JUDGEMENT IN MY  
CASE. LOOK AT THE ACCOMPANYING BRIEF  
DATED 4/4/14 FROM THE STATE AND REVIEW  
ALL RECORDS IN THIS CASE TO SEE THAT  
THE STATE IS CORRUPT AND BIASED. HOW  
DOES MY FEDERAL GOVERNMENT WANT ME TO  
PROCEED? - SEE THE 3 MOTIONS I'M  
FILING IN YOUR COURT. 1) MOTION OF  
DISCOVERY, 2) MOTION TO STAY AND 3) MOTION  
FOR A HEARING. THANK YOU. Scott W. Hess,



X35

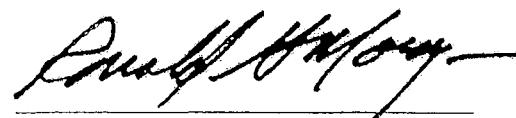
IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

SCOTT WILLIAM HESS, §  
Petitioner, §  
§  
v. § Civil Action No. 1:13-190  
§  
WILLIAM STEPHENS, §  
Respondent. §

ORDER

After reviewing the record, the undersigned has a conflict of interest in this case. The Court HEREBY orders himself recused from this matter and orders that the case be returned to the Hon. Andrew S. Hanen for all future proceedings.

DONE at Brownsville, Texas, on May 2, 2014.



Ronald G. Morgan  
United States Magistrate Judge